HIGH COURT OF CHHATTISGARH AT BILASPUR

W.P. (C) No. 1975 of 2007

Petitioner		Bhairudan Parakh, Aged About 51 years, S/o Shri Deepchand Parakh, R/o, Village Mudkhusra, Post Bhimkanhar, Tahsil – Dondi Lohara, District – Durg (C.G.)
	Versus	
Respondents	1.	Additional Collector, District Durg (C.G.)
	2.	Sub Divisional Officer, Dondi Lohara, District Durg (C.G.)
	3.	Tahsildar, Dondi Lohara, District Durg (C.G.)

SB: Hon'ble Mr. Justice **Satish K. Agnihotri**

Shri Pankaj Shrivastava, Advocate for the petitioner.

Miss Deepali Pandey, Panel Lawyer for the respondents.

ORDER

(Passed on this 10th day of April, 2007)

1. The petitioner challenges the impugned order dated 27.2.2007(Annexure P/5) passed by the Additional Collector, Durg in Case No. 11-A/89 -05-06 on two grounds. Firstly, that the notice issued to the Members of the Gram Panchayat was not in accordance with the format and secondly, there was no interval of 7 days between the dispatch of notice and the date of the meeting. Admittedly, the notice was dispatched on 13.9.2006 for the meeting to be held on 20.9.2006.

2. With regard to the first contention there is no specific format for issue of notice is provided under the Chhattisgarh Panchayat (Gram Panchayat Ke Sarpanch Tatha Up-Sarpanch, Janpad Panchayat Tatha Zila Panchayat Ke President Tatha Vice-President Ke Virudh Avishwas Prastav) Niyam, 1994 (for short 'the Rules, 1994'). The reliance of the petitioner to Rule 3(1) of the Rules, 1994, is with respect to the notice to the Prescribed Authority, not to the Members of the Gram Panchayat.

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3. The second contention of learned counsel the petitioner is squarely covered by the decision of this Court in Writ Petition (C) No. 5301 of 2006 (Pilaram Deewan & another Vs. State of Chhattisgarh & others) passed on 3rd April, 2007, wherein it is held that there should be dispatch of notice before 7 clear days. Admittedly, there was seven days' interval between the date of dispatch and the date of the meeting.

4. There is no merit in this case. This petition is accordingly dismissed.

Sd/-
Satish K. Agnihotri
Judge

Thakur